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NEW YORK, NY 10022

#13

In re Application of :
Jay M. Short :
Serial No.: 09/677,584 : PETITION DECISION
Filed: September 30, 2000 :
Attorney Docket No.: D1510-1 :

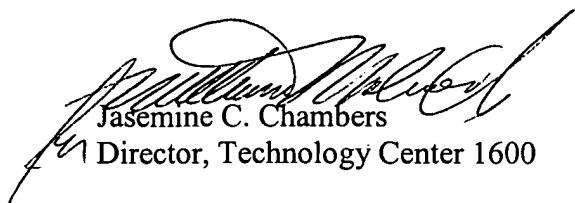
This is in response to the petition under 37 CFR 1.181, filed February 18, 2005, for withdrawal of abandonment of the above identified application based on a timely reply.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability, requiring new formal drawings, to applicants on December 17, 2002, setting a three month statutory period for payment of the Issue Fee and submission of new drawings. Applicant states and the examiner confirms that new formal drawings were hand delivered to the Office on March 5, 2003, and applicant provides a Technology Center stamped postcard indicating receipt thereof. This was in contravention to the directions on the Notice of Allowability which indicates that the drawings should be forwarded to the Official Draftsperson (not to the examiner). The drawings were accompanied by an amendment under 37 CFR 1.312 and a new CRF sequence disk. At the time the drawings were submitted the application was no longer in the possession of the examiner and all papers were forwarded to Publications Division. Applicant concurrently paid the Issue Fee by mail. A review of the file fails to find the submitted drawings therein, although the other concurrently papers are found. The copies of the drawings submitted with the petition will be utilized. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for entry of the amendment under 37 CFR 1.312 and then to Publications Division for printing as a patent.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.



Jasmine C. Chambers
Director, Technology Center 1600